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CENTRAL INTELLIGENCE GROUP
INTELLIGENCE REPORT

COUNTRY Italy/Austria

DATE: 25X1X6

SUBJECT The Optants' Question

INFO. [REDACTED]

DIST. 14 February 1947

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SUPPLEMENT

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ORIGIN [REDACTED]

This document is hereby regraded to
CONFIDENTIAL in accordance with the
letter of 13 October 1978 from the
Director of Central Intelligence to the
Archivist of the United States.
Next Review Date: 2008

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1. In compliance with a request from the Austrian Foreign Minister, Dr. Gruber, that the SVP (South Tirol Volkspartei) submit proposals for the settlement of the optants' question, Dr. Tinzl of the SVP prepared draft proposals which will shortly be submitted to the Action Committee of the SVP for approval before transmission to Gruber.
2. In his preliminary remarks Tinzl gives the reasons why the Austrian Government cannot recognize the Hitler-Mussolini Agreement of 23 June 1939. However, since this Agreement was implemented in part, there is according to Tinzl need for the regulation of the resulting situation and particularly for the settlement of the nationality of the optants for Germany. Tinzl then goes on to make the following proposals:
 - (a) Those optants for Germany, who never received German nationality and who have retained their Italian domicile, should remain Italian subjects, provided they do not expressly declare that they wish their option for Germany to stand.
 - (b) Optants for Germany, who never received German nationality but who acquired a domicile outside Italy, can remain Italian citizens, provided they expressly declare their wish to do so. If they do not give this declaration, they lose their Italian nationality.
 - (c) Optants for Germany, who received German nationality but have remained domiciled in Italy, can reacquire their Italian nationality, provided they declare their option null and void and relinquish any other nationality they may have acquired.
 - (d) Optants for Germany, who received German nationality and acquired a domicile outside Italy, can reacquire Italian nationality, provided they (a) declare their option null and void and relinquish any other nationality they may have acquired, and (b) reestablish their domicile in Italy. No obstacle is to be placed in the way of their returning to Italy.

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- (e) Natives of South Tirol, who have acquired a domicile outside Italy and who have also acquired Austrian nationality or the nationality of any of the Austrian secession States, and those Austrian nationals or nationals of Austrian secession State, who were domiciled in South Tirol on 23 June 1939 but had to give this domicile up as a result of the Hitler-Mussolini Agreement, may reestablish their Italian domicile, provided they are presently domiciled in Austria. The acquisition of German nationality as the result of the German annexation of Austria or of former Austrian territory should not prejudice this right.
- (f) The Italian Government may object to the retention or reacquisition of Italian nationality in the following cases:
- (1) Persons, domiciled in South Tirol who have been sentenced by an Italian or Allied court as war criminals, culpable collaborationists, for some major crime, for brutality or acts of persecution to the detriment of Italian or Allied citizens, etc.;
 - (2) Persons domiciled outside Italy who have been sentenced for similar crimes by a foreign court.

Cases under this heading are to be decided by a Mixed Commission composed of seven members. The Chairman to be at least an appeal judge; the other members to be half Italians and half German-speaking South Tirolese, all domiciled in South Tirol.

Refusal to grant Italian nationality in any such cases shall not extend to the wife and children under age of the person in question, nor shall it entail expulsion from Italy or loss of fortune.

3. Dr. Tinzl's draft contains further provisions concerning the time-limits within which the declarations envisaged in his proposals shall be made, the manner in which the declarations shall be executed, and to whom they shall be delivered, etc.

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